

### **REMARKS/ARGUMENTS**

Claims 1-3, 5-17, 27, 28, and 30-38 are pending in the application. Claims 4, 18-26, and 29 were previously cancelled. Claims 1-3, 5-17, 27, 28, and 30-38 stand rejected. Through this Amendment and Response, no claims have been cancelled and no new claims have been added. Accordingly, claims 1-3, 5-17, 27, 28, and 30-38 are currently at issue. No new matter has been introduced into the application. As explained in more detail below, Applicants submit that all claims are in condition for allowance and respectfully request such action.

Applicants note that claim 1 has been amended to recite that the notification is transmitted to the second EPG “prior to the selected program being available,” and also that the alert message indicates the “program selected,” rather than the “notification.” These amendments simply clarify the scope of claim 1. Other independent claims in the present application have been amended similarly.

#### **I. Rejections Under 35 U.S.C. 103 Over Ellis, Finseth, and Collins**

Claims 1, 2, 5-7, 9-17, 27, 30, 32, 34 and 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis et al. (U.S. Pub. No. 2006/0031883) in view of Finseth et al. (US Patent No. 6,813,775) and Collins et al. (U.S. Patent No. 6,424,828). The Applicants respectfully request reconsideration in view of the Remarks below.

##### **A. Rejections of Claims 1, 2, 5-7, and 9-17**

Claim 1 includes, among other elements, “a transmitter configured to transmit a notification of the program selected to a second remote electronic program guide memory connected to a second receiver prior to the selected program being available, wherein said transmitter also is configured to transmit an alert message indicating said program selected to an SMS server to be forwarded as an SMS to a mobile handset.” The cited references do not disclose, teach, or suggest at least this element of claim 1. The cited references do not disclose any sharing of *future* program information with others (i.e., prior to the selected program being available). More specifically, with regard to the elements of claim 1, none of the references discloses a transmitter that transmits a notification of a future program to a second EPG memory connected to another receiver prior to the selected program being available.

Ellis discloses, at most, transmitting a reminder of a future program to a mobile device of the user who selected the program. (e.g., Ellis, Par. 86). Ellis does not disclose transmitting reminders to any mobile device or receiver of another user. The Office Action asserts that Ellis discloses “transmission means (communication device 51) for transmitting a notification of a program selected to the second remote apparatus ... connected to a second receiver (22). Applicant disagrees with this statement. The communication device (51) of Ellis is a **component** of the user television equipment (22), and thus, the user television equipment (22) cannot be considered to be a “second receiver” as asserted in the claims. Ellis does not disclose any communication between the user television equipment (22) and any other receiver, for any purpose.

Finseth does not cure the deficiencies of Ellis, because Finseth also does not disclose transmitting a notification of a future program to a second EPG memory connected to another receiver. Finseth discloses, at most, transmitting information about ***past*** programs already viewed by the user to another receiver, as described in Applicants’ previous Response. (e.g., Finseth, Col. 12, Lns. 18-41). Additionally, the Office Action does not assert that Finseth discloses any sharing of future program information.

Collins also does not cure the deficiencies of Ellis. Collins does not disclose transmitting a notification of a future program to a second EPG memory connected to another receiver, and the Office Action does not assert otherwise.

Accordingly, because none of the cited references disclose, teach, or suggest, “a transmitter configured to transmit a notification of the program selected to a second remote electronic program guide memory connected to a second receiver prior to the selected program being available,” no prima facie case of obviousness has been established with respect to claim 1.

Further, one skilled in the art would not have a reason to modify the cited references to reach the invention recited in claim 1. As stated above, neither Ellis nor Finseth suggests sharing information regarding future programs with others. Ellis discloses only sending reminders to the user who selected a program, and Finseth discloses only sharing information on previously viewed programs. Thus, one skilled in the art would not modify the disclosures of Ellis and/or

Finseth to transmit notifications to a second receiver, to reach the invention recited in claim 1. Accordingly, for this additional reason, no prima facie case of obviousness has been established with respect to claim 1.

Claims 2, 5-7, and 9-17 depend from claim 1 and include all the elements thereof. Thus, for the reasons stated above with respect to claim 1, no prima facie case of obviousness has been established with respect to claims 2, 5-7, and 9-17.

**B. Rejection of Claim 27**

Claim 27 includes, among other elements, “transmitting the notification of the program selected from said electronic program guide to at least one remote electronic program guide memory that is in communication with a second receiver prior to the selected program being available.” For the reasons stated above with respect to claim 1, the cited references do not disclose, teach, or suggest at least this element of claim 27, and one skilled in the art would not modify the cited references to include this element of claim 27. Accordingly, no prima facie case of obviousness has been established with respect to claim 27.

**C. Rejection of Claim 30**

Claim 30 includes, among other elements, “a transmitter configured to access a communications network and further being configured to transmit a notification of the program selected from said electronic program guide to at least one remote electronic program guide memory that is in communication with a second receiver prior to the selected program being available.” For the reasons stated above with respect to claim 1, the cited references do not disclose, teach, or suggest at least this element of claim 30, and one skilled in the art would not modify the cited references to include this element of claim 30. Accordingly, no prima facie case of obviousness has been established with respect to claim 30.

**D. Rejections of Claims 32 and 38**

Claim 32 includes, among other elements, “transmitting a notification via SMS of a program scheduled to be available in the future selected from a first electronic program guide in a remote first electronic program guide memory that is operatively connected to a first receiver via an SMS, wherein the notification is configured to be received at a second electronic program guide memory that is operatively connected to a second receiver” Claim 38, via dependency

from claim 32, also includes this element. For the reasons stated above with respect to claim 1, the cited references do not disclose, teach, or suggest at least this element of claim 32, and one skilled in the art would not modify the cited references to include this element of claim 32. Accordingly, no prima facie case of obviousness has been established with respect to claims 32 and 38.

#### **E. Rejection of Claim 34**

Applicants believe that the Examiner's rejection of claim 34 over Ellis, Finseth, and Collins may have been in error. Claim 34 depends from independent claim 31, which was not part of the present rejection. Nevertheless, for the reasons stated below with respect to claim 31, no prima facie case of obviousness has been established with respect to claim 34.

### **II. Rejection Under 35 U.S.C. 103 Over Ellis and Collins**

Claim 28 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis et al. (U.S. Pat. Pub. No. 2006/0031883) in view of Collins et al. (U.S. Patent No. 6,424,828). Applicants respectfully request reconsideration in view of the Remarks below.

Claim 28 includes, among other elements, "obtaining transmission of the notification of the program selected from said electronic program guide to at least one remote electronic program guide system prior to the selected program being available." For the reasons stated above with respect to claim 1, the cited references do not disclose, teach, or suggest at least this element of claim 28, and one skilled in the art would not modify the cited references to include this element of claim 28. Accordingly, no prima facie case of obviousness has been established with respect to claim 28.

### **III. Rejections Under 35 U.S.C. 103 Over Ellis, Finseth, Collins, and Haken**

Claims 3, 8, 33 and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis et al. (U.S. Pat. Pub. No. 2006/0031883) in view of Finseth et al. (U.S. Patent No. 6,813,775) and Collins et al. (U.S. Patent No. 6,424,828) and Haken (U.S. Pat. Pub. No. 2004/0008972). Applicants respectfully request reconsideration in view of the Remarks below.

**A. Rejections of Claims 3 and 8**

Claims 3 and 8 depend from claim 1 and include all the elements of claim 1. As stated above with respect to claim 1, Ellis, Finseth, and Collins fail to disclose at least the element of claim 1, “a transmitter configured to transmit a notification of the program selected to a second remote electronic program guide memory connected to a second receiver prior to the selected program being available, wherein said transmitter also is configured to transmit an alert message indicating said program selected to an SMS server to be forwarded as an SMS to a mobile handset.” Haken also does not disclose this element of claim 1, and the Office Action does not assert otherwise. Accordingly, no prima facie case of obviousness has been established with respect to claims 3 and 8, for at least the reasons stated above with respect to claim 1.

**B. Rejections of Claims 33 and 35**

Applicants believe that the Examiner’s rejections of claims 33 and 35 over Ellis, Finseth, Collins, and Haken may have been in error. Claims 33 and 35 depend from independent claim 31, which was not part of the present rejection. Nevertheless, for the reasons stated below with respect to claim 31, no prima facie case of obviousness has been established with respect to claims 33 and 35.

**IV. Rejections Under 35 U.S.C. 103 Over Ellis, Finseth, Collins, and Corliss**

Claims 31, 36 and 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis et al. (U.S. Pat. Pub. No. 2006/0031883) in view of Finseth et al. (U.S. Patent No. 6,813,775) and Collins et al. (U.S. Patent No. 6,424,828) and Corliss (U.S. Patent No. 6,771,949). Applicants respectfully request reconsideration in view of the Remarks below.

Claim 31 includes, among other elements, “receiving a notification via SMS of a program scheduled to be available in the future selected from an electronic program guide in a remote first electronic program guide memory that is operatively connected to a first receiver, wherein the notification is received at a second electronic program guide memory that is operatively connected to a second receiver” Claims 36 and 37, via dependency from claim 31, also includes this element. For the reasons stated above with respect to claim 1, the cited references do not disclose, teach, or suggest at least this element of claim 31, and one skilled in the art would not

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modify the cited references to include this element of claim 31. Accordingly, no prima facie case of obviousness has been established with respect to claims 31, 36, and 37.

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### **CONCLUSION**

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

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